

# Notice of Allowability

Application No.

09/648,451

Examiner

Lawrence Shrader

Applicant(s)

KAWAMATA ET AL.

Art Unit

2124

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE/Amendment filed on 5/12/2004.
2. ☒ The allowed claim(s) is/are 1, 4 - 6.
3. ☒ The drawings filed on 28 August 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 8/28/2000
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**ANIL KHATRI**  
**PRIMARY EXAMINER**

### DETAILED ACTION

1. This action is responsive to the Applicant's RCE/Amendment filed on May 12, 2004.
2. Claims 1, and 4 – 6 are allowed. Claims 2, 3, and 7 – 10 have been cancelled.

### *Allowable Subject Matter*

3. The following is an examiner's statement of reasons for allowance of claim 1:

Prior art of record, taken either singly and/or in combination, does not teach or suggest a terminal apparatus as recited in independent claim 1 that *forms* an installation sequence table in accordance with a distribution software list having been downloaded in advance. The following claimed features are not taught or suggested by the prior art of record:

The distribution software list having been downloaded in advance describes:

- a software name of a program or data of the distributed data group or program group.
- compatible software necessary for operation of the program or data;

and the installation sequence table that describes:

- the program or data of the terminal apparatus to be updated
- software necessary in a chain manner for updating the program or data
- the update sequence of the software.

Art Unit: 2124

The closest prior art is Karibe et al., European Patent Application EP 0 926 862 A2, which discloses a software download system wherein the software, a software information table, and a download table are sent to respective judging sections in the receiving unit, using those judging sections to determine if the software is downloadable or not, but it does not disclose a sequence management unit that *forms* an installation sequence table in accordance with a previously downloaded distribution software list, and then determines the update sequence in a chain manner.

Also, Delo, U.S. Patent 6,378,127 discloses an installation sequence table, but does not determine the update sequence of the software based on information obtained from a downloaded distribution software list.

Therefore claims 4 – 6 are allowed being dependent on claim 1.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Shrader whose telephone number is (703) 305-8046. The examiner can normally be reached on M-F 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Art Unit: 2124

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Lawrence Shrader  
Examiner  
Art Unit 2124

June 22, 2004



**ANIL KHATRI**  
**PRIMARY EXAMINER**